

REMARKS

Claims 1, 3, 4, 5, 6, 8, 9, and 58 are pending in the application.

Claims 2, 7 and 10-57 were previously cancelled.

In this amendment, claims 59-62 are canceled as the Examiner has withdrawn them from consideration in the previous Office Action as being directed to a non-elected invention.

Applicants reserve the right to file a divisional application on these claims.

Claims 1, 3, 4, 5, 6, 8, and 9 have been amended to comply with C.F.R. § 1.173 for reissue amendments. Entry of the amendment is respectfully requested.

The rejections in the Final Office Action mailed on July 9, 2007, are addressed below.

1. Defective Oath

Applicants submit herewith an unsigned Supplemental Reissue Inventors' Declaration that complies with 37 C.F.R. § 1.175 and that identifies the specific errors correctable by reissue.

The undersigned notes that the signatures of the inventors, as well as the legal representatives for inventor Masatoshi FUJIMOTO, who is deceased, are currently being obtained. The fully executed Supplemental Reissue Inventors' Declaration will be filed as soon as possible.

2. Claim Rejections Under 35 U.S.C. § 251

Claims 1, 3-6, 8-9 and 58 are rejected under 35 U.S.C. § 251 as based upon a defective reissue declaration. Applicants respectfully submit that this rejection will be moot upon the filing of the Supplemental Reissue Inventors' Declaration.

3. Application Objections

The application is objected to under 37 C.F.R. § 1.172(a) as the assignee has not established its ownership interest in the patent for which the reissue is being requested in the previously filed Consent of the Assignee.

Applicant hereby submits a new Consent of the Assignee signed by the president of Eisai R&D Management Co., Ltd., Mr. Kentaro Yoshimatsu, who has the authority to sign on behalf

of the assignee. Eisai R&D Management Co., Ltd. is the new patent owner of Letters Patent US 5,945,420 entitled, "Immunopotentiating and Infection Protective Agent and Production Thereof," granted on August 31, 1999, to Seiichi ARAKI, Mamoru SUZUKI and Masatoshi FUJIMOTO, by assignment of the entire right, title and interest from Eisai Co., Ltd., the previous assignee, as recorded in the United States Patent and Trademark Office at Reel 018972, Frame 0624, on March 8, 2007, and the assignee of reissue application 09/943,054 as a result of this assignment.

In addition, a Statement Under 37 CFR §3.73(b) is also submitted, signed by the president of Eisai R&D Management Co., Ltd, Mr. Kentaro Yoshimatsu, who has the authority to sign on behalf of the assignee.

Further, as there is a new assignee since the filing of the reissue application, a Consent of the Assignee is also submitted, signed by the president of Eisai R&D Management Co., Ltd, Mr. Kentaro Yoshimatsu, who has the authority to sign on behalf of the assignee.

4. Claim Objections

Claims 1, 3-6 and 8-9 are objected to because the amended original claims are not in the proper format for reissue claim amendments pursuant to 37 C.F.R. § 1.173.

Applicants respectfully submit that the amendments for these claims now comply with 37 C.F.R. § 1.173 and therefore the examiner can withdraw the objection.

In addition, certain typographical errors were noted in claims 1 and 6. These errors have been corrected with the claim amendments.

Conclusion

In view of the comments presented above, Applicants respectfully submit that all of the rejections and objections contained in the Final Office Action of July 9, 2007, have been overcome, and all of the pending claims are in condition for allowance.

Please charge the \$810.00 fee for this Request for Continued Examination and \$1,050.00 for a three-month extension of time to our Deposit Account No. 08-0219.

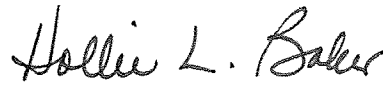
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No other fees are believed to be due in association with this submission. However, please charge any payments due or credit any overpayments to our Deposit Account No. 08-0219.

The Examiner is encouraged to telephone the undersigned at the number listed below in order to expedite the prosecution of this application.

Respectfully submitted,

Date: January 9, 2008



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